

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION COMMITTEE ON NATURAL RESOURCES

Call to Order: Chair Chas Vincent, on March 22, 2017 at 3:00 PM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Chas Vincent, Chair (R)
Sen. Jeffrey W. Welborn, Vice Chair (R)
Sen. Duane Ankney (R)
Sen. Dick Barrett (D)
Sen. Jill Cohenour (D)
Sen. Pat Connell (R)
Sen. Jennifer Fielder (R)
Sen. Jedediah Hinkle (R)
Sen. Mary McNally (D)
Sen. Mike Phillips (D)
Sen. JP Pomnichowski (D)
Sen. Tom Richmond (R)

Members Excused: None

Members Absent: None

Staff Present: Pat Christian, Committee Secretary
Hope Stockwell, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 339, 3/8/2017; HB 344, 3/8/2017; HB 368, 3/8/2017; SB 337, 3/14/2017; SB 339, 3/14/2017

00:02:16 Sen. Vincent turned the chair over to Vice Chair Welborn.

HEARING ON SB 339

Opening Statement by Sponsor:

00:02:22 Sen. Duane Ankney (R), SD 20, opened the hearing on SB 339, Establishing the coal-fired generating unit remediation act.

Proponents' Testimony:

00:07:08 Tom Ebzery, Puget Sound Energy, Avista Corporation, and Portland General Electric
00:09:30 Anne Hedges, Montana Environmental Information Center
00:10:52 Jim Atchison, executive director, Southeastern Montana Development Corporation
00:11:59 Jess LaBuff, Boilermakers Local Lodge #11
00:12:16 Kelly Lynch, Montana League of Cities and Towns
00:13:40 Adam Haight, Northern Plains Resource Council
00:14:03 Steven Wade, Montana Association of Oil, Gas, and Coal Counties
00:14:26 J. D. Lynch, Montana State Building Trades

Opponents' Testimony: None

Informational Testimony:

00:15:04 Jenny Chambers, Department of Environmental Quality

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:15:38 Sen. Ankney
00:16:32 Recess
00:20:45 Reconvened

HEARING ON HB 344

Opening Statement by Sponsor:

00:20:46 Rep. Geraldine Custer (R), HD 39, opened the hearing on HB 344, Provide funding for coal bed methane protection program.

Proponents' Testimony:

00:23:49 Don Sasse, program coordinator, Coal Bed Methane Protection Program, Department of Natural Resources and Conservation (CBMPP)
00:28:50 Jeff Tiberi, Montana Association of Conservation Districts
00:29:25 Adam Haight, Northern Plains Resource Council

Opponents' Testimony: None

Informational Testimony:

00:30:18 Mark Bostrom, administrator, Conservation and Resource Development Division,
Department of Natural Resources and Conservation (DNRC)

Questions from Committee Members and Responses:

00:30:48 Sen. Phillips
00:31:01 Mr. Bostrom, DNRC
00:31:07 Sen. Phillips
00:31:14 Mr. Bostrom
00:31:37 Sen. Pomnichowski
00:31:54 Mr. Bostrom
00:32:04 Sen. Pomnichowski
00:32:32 Mr. Bostrom

[EXHIBIT\(nas59a01\)](#)

[EXHIBIT\(nas59a02\)](#)

[EXHIBIT\(nas59a03\)](#)

00:33:14 Sen. Pomnichowski
00:33:37 Mr. Sasse, CBMPP
00:34:50 Sen. Richmond
00:36:39 Mr. Sasse
00:37:36 Sen. Richmond
00:37:43 Mr. Sasse
00:38:14 Sen. Richmond
00:38:40 Mr. Sasse
00:39:31 Sen. Richmond
00:39:49 Mr. Sasse
00:40:08 Sen. Richmond
00:40:16 Mr. Sasse
00:40:45 Sen. Richmond
00:41:00 Mr. Bostrom
00:41:27 Sen. Fielder
00:42:07 Mr. Bostrom
00:42:28 Sen. Fielder
00:42:38 Mr. Bostrom

Closing by Sponsor:

00:43:05 Rep. Custer
00:43:41 Chair Welborn
00:43:48 Rep. Custer

HEARING ON HB 368

Opening Statement by Sponsor:

00:44:12 Rep. Walt Sales (R), HD 69, opened the hearing on HB 368, Establish setbacks for wells and lagoons.

Proponents' Testimony:

00:46:07 Jay Bodner, Montana Stockgrowers Association and Montana CattleWomen

[EXHIBIT\(nas59a04\)](#)

[EXHIBIT\(nas59a05\)](#)

00:51:07 Levi Ostberg, Montana Farmers Union

00:52:17 Ronda Wiggers, Montana Water Well Drillers Association

00:53:32 Jeff Wivholm, Montana Association of Conservation Districts

Opponents' Testimony:

00:54:23 Jeff Barber, Montana Association of Planners and Montana Smart Growth Coalition

00:55:54 George Mathieus, Department of Environmental Quality (DEQ)

00:56:59 Anne Hedges, Montana Environmental Information Center

00:58:27 Jan Langel, Water Resources Division acting administrator, Department of Natural Resources and Conservation (DNRC)

00:59:00 Chair Vincent resumed as the chair.

00:59:35 Brian Ohs, Montana Trout Unlimited

Informational Testimony: None

Questions from Committee Members and Responses:

01:00:09 Sen. Phillips

01:00:28 Rep. Sales

01:00:48 Sen. Phillips

01:01:00 Rep. Sales

01:01:11 Sen. Fielder

01:01:43 Mr. Mathieus, DEQ

01:02:24 Sen. Fielder

01:03:02 Mr. Mathieus

01:03:28 Mr. Langel, DNRC

01:03:44 Arthur Robinson, Montana Board of Water Well Contractors program manager, Department of Natural Resources and Conservation (DNRC)

01:04:00 Sen. Fielder

01:04:17 Mr. Robinson, DNRC

01:05:01 Sen. Fielder

01:05:19 Sen. Hinkle

01:05:51 Mr. Langel

01:06:36 Sen. Hinkle
 01:06:55 Mr. Langel
 01:07:11 Sen. Cohenour
 01:08:10 Mr. Robinson
 01:08:53 Sen. Cohenour
 01:09:51 Mr. Mathieus
 01:10:09 Sen. Richmond
 01:10:38 Mr. Mathieus
 01:10:43 Sen. Richmond
 01:10:47 Mr. Mathieus
 01:11:12 Sen. Richmond
 01:11:24 Mr. Mathieus
 01:11:30 Sen. Richmond
 01:12:06 Mr. Mathieus

Closing by Sponsor:

01:12:52 Rep. Sales

HEARING ON SB 337

Opening Statement by Sponsor:

01:14:47 Sen. Duane Ankney (R), SD 20, opened the hearing on SB 337, Eliminate board of environmental review.

Proponents' Testimony:

01:19:38 Leo Barry, citizen
 01:28:13 Peggy Trenk, Treasure State Resource Association (TSRA)

[EXHIBIT\(nas59a06\)](#)

01:32:00 Bud Clinch, Montana Coal Council
 01:36:12 Jess LaBuff, Boilermakers Local Lodge #11
 01:36:28 Alan Olson, Montana Petroleum Association
 01:37:51 Cary Hegreberg, Montana Contractors Association
 01:38:41 Bridger Mahlum, Montana Chamber of Commerce (MCC)

Opponents' Testimony:

01:39:25 Anne Hedges, Montana Environmental Information Center

[EXHIBIT\(nas59a07\)](#)

01:46:33 Adam Haight, Northern Plains Resource Council
 01:48:09 Brenda Lindlief-Hall, Tongue River Water Users Association
 01:52:22 Neal Ullman, Montana Conservation Voters
 01:54:43 Amy Seaman, Montana Audubon

Informational Testimony:

01:55:26 Tom Livers, director, Department of Environmental Quality (DEQ)

Questions from Committee Members and Responses:

01:55:40 Sen. Phillips
01:55:54 Mr. Livers, DEQ
01:56:00 Sen. Phillips
01:56:16 Mr. Livers
01:56:38 Sen. Phillips
01:56:56 Mr. Livers
01:58:22 Sen. Barrett
01:59:08 Mr. Mahlum, MCC
01:59:34 Sen. Barrett
01:59:44 Mr. Mahlum
02:00:28 Sen. Barrett
02:01:15 Sen. Cohenour
02:01:41 Mr. Livers
02:03:24 Sen. Cohenour
02:03:32 Mr. Livers
02:03:39 Sen. Cohenour
02:04:16 Mr. Livers
02:04:52 Sen. Connell
02:05:28 Mr. Livers
02:07:35 Sen. Connell
02:07:57 Mr. Livers
02:08:37 Sen. Connell
02:09:09 Mr. Livers
02:11:14 Sen. Phillips
02:12:33 Sen. Ankney
02:13:15 Sen. Phillips
02:13:50 Sen. Ankney
02:14:33 Sen. Phillips
02:14:59 Sen. Ankney
02:17:05 Sen. Pomnichowski
02:18:50 Ms. Trenk, TSRA
02:19:33 Sen. Pomnichowski
02:20:22 Sen. Ankney
02:21:44 Sen. Pomnichowski
02:22:03 Sen. Ankney
02:22:48 Sen. Pomnichowski
02:23:19 Sen. Ankney
02:23:52 Sen. McNally
02:24:56 Sen. Ankney
02:25:58 Chair Vincent
02:26:44 Mr. Barry, citizen
02:28:44 Chair Vincent

Closing by Sponsor:

02:28:59 Sen. Ankney

02:32:22 Recess

02:44:51 Reconvened

HEARING ON HB 339

Opening Statement by Sponsor:

02:45:44 Rep. Carl Glimm (R), HD 6, opened the hearing on HB 339, Revise laws related to exempt appropriations of water.

Proponents' Testimony:

02:51:10 Abigail St. Lawrence, Montana Association of Realtors and Montana Building Industry Association

02:53:56 Krista Lee Evans, Senior Water Rights Coalition (SWRC) and the Association of Gallatin Agricultural Irrigators

02:56:53 James Anderson, Montana Association of Realtors

[EXHIBIT\(nas59a08\)](#)

03:03:01 John Walsh, citizen

03:04:29 Eric Bryson, Montana Association of Counties

03:06:26 Ronda Wiggers, Montana Water Well Drillers Association

03:08:35 Peggy Trenk, Treasure State Resource Association and Montana Housing Coalition

[EXHIBIT\(nas59a09\)](#)

03:10:11 Mike Murphy, Montana Water Resources Association

03:11:07 Jay Bodner, Montana Stockgrowers Association and Montana CattleWomen

03:12:04 Chelcie Cargill, Montana Farm Bureau Federation

[EXHIBIT\(nas59a10\)](#)

03:14:40 Tony Prothero, citizen

03:16:26 Levi Ostberg, Montana Farmers Union

03:17:26 Bill Pierce, Montana Builders Association

03:18:05 Basil Jacobson, citizen

03:18:31 Cary Hegreberg, executive director, Montana Contractors Association

03:19:09 Marci Andersen, president, Helena Building Industry Association

03:19:39 William Leininger citizen

03:10:04 Lamont Kinkade, Montana Water Specialists

[EXHIBIT\(nas59a11\)](#)

Opponents' Testimony:

03:21:40 Tim Burton, executive director, Montana League of Cities and Towns (MLCT)

03:26:19 Laura King, attorney, Western Environmental Law Center (WELC)

[EXHIBIT\(nas59a12\)](#)

03:29:36 Brian Bramblett, Department of Natural Resources and Conservation (DNRC)

EXHIBIT(nas59a13)

03:36:01 Brian Ohs, Montana Trout Unlimited

03:38:45 Jeff Barber, Clark Fork Coalition, Montana Association of Planners, and Montana Smart Growth Coalition

03:41:21 Ron Alles, manager, City of Helena

03:43:12 Derf Johnson, Montana Environmental Information Center

EXHIBIT(nas59a14)

03:46:12 Troy Monroe, citizen

03:47:36 Amy Seaman, Montana Audubon

03:49:21 Adam Haight, Northern Plains Resource Council

Informational Testimony

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03:50:46 Lynn Zanto, Montana Department of Transportation (MDT)

Questions from Committee Members and Responses:

03:51:07 Sen. Cohenour

03:51:46 Mr. Burton, MLCT

03:54:02 Sen. Cohenour

03:54:14 Mr. Burton

03:55:44 Sen. Cohenour

03:56:17 Mr. Alles, City of Helena

03:57:04 Sen. Hinkle

03:57:21 Ms. Evans, SWRC

03:57:51 Sen. Hinkle

03:58:13 Ms. Evans

03:58:55 Sen. Barrett

03:59:36 Ms. King, WELC

04:00:00 Sen. Phillips

04:00:11 Ms. Evans

04:01:30 Sen. Phillips

04:02:20 Rep. Glimm

04:04:32 Sen. Connell

04:05:18 Ms. Evans

04:06:24 Sen. Connell

04:07:15 Ms. Evans

04:07:31 Sen. Connell

04:07:36 Sen. Pomnichowski

04:08:09 Mr. Bramblett, DNRC

04:08:24 Sen. Pomnichowski

04:09:41 Rep. Glimm

04:10:39 Sen. Pomnichowski

04:10:50 Rep. Glimm

04:11:14 Sen. Pomnichowski

04:11:53 Ms. Zanto, MDT

04:12:33 Sen. Pomnichowski

04:13:22	Ms. Evans
04:13:45	Sen. Pomnichowski
04:14:09	Ms. Evans
04:14:54	Sen. Pomnichowski
04:15:11	Ms. Evans
04:15:23	Sen. Pomnichowski
04:15:51	Mr. Alles
04:16:45	Sen. Pomnichowski
04:16:52	Mr. Alles
04:17:01	Sen Pomnichowski
04:17:27	Mr. Alles
04:18:19	Sen. Phillips
04:18:48	Rep. Glimm
04:20:50	Sen. Phillips
04:21:09	Ms. Evans
04:21:51	Sen. Cohenour
04:22:18	Rep. Glimm

Closing by Sponsor:

04:23:51	Rep. Glimm
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Committee Business:

04:27:00	Chair Vincent
04:28:28	Sen. Barrett
04:28:45	Sen. Connell
04:28:57	Chair Vincent

ADJOURNMENT

Adjournment: 7:30 PM

Pat Christian, Secretary

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Additional Documents

Additional Documents:

EXHIBIT([nas59aad.pdf](#))